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14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 JAVIER MUNOZ, an individual; STEVEN  
TILLER, an individual; KEVIN LAY, an  
19 individual; JAMES WINN, an individual;  
individually, on behalf of the general  
20 public, and on behalf of all others similarly  
situated,

21 Plaintiffs,

22 vs.

23 UPS GROUND FREIGHT, INC., a  
24 business entity form unknown;  
OVERNITE TRANSPORTATION  
25 COMPANY, a business entity, form  
unknown; MOTOR CARGO, a business  
26 entity, form unknown,

27 Defendants.  
28

Case No. C07-00970 MJJ

**STIPULATION AND [PROPOSED]  
ORDER FOR PLAINTIFFS TO FILE  
SECOND AMENDED COMPLAINT FOR  
WAGES**

**STIPULATION**

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiffs Javier Munoz, Steven Tiller, Kevin Lay, and James Winn (collectively "Plaintiffs") and Defendants UPS Ground Freight, Inc., Overnite Transportation Company, and Motor Cargo (collectively as, "Defendants"), acting through their respective counsel of record, hereby stipulate and jointly request that the Court order as follows:

1. Plaintiffs shall have leave to file a Second Amended Complaint for Wages (attached hereto as Exhibit A).


2. Defendants do not waive any objections or defenses by stipulating to Plaintiffs filing the Second Amended Complaint, and reserve the right to move to strike, dismiss, and/or to seek judgment as to the proposed new claims at any time.

DATED: October 24, 2007 PAUL, HASTINGS, JANOFSKY & WALKER LLP

By:   
KATHERINE C. HUIBONHOA

Attorneys for Defendants  
UPS GROUND FREIGHT, INC., OVERNITE  
TRANSPORTATION COMPANY, and MOTOR  
CARGO

DATED: October 24, 2007 HERRON & HERRON

By:   
JOSEPH CLAPP

Attorneys for Plaintiffs JAVIER MUNOZ, et al.

**ORDER**

IT IS SO ORDERED.

DATED: 10/30, 2007

